

Regular Meeting
Jasper Plan Commission
May 2, 2012

President Brad Schnarr called the Regular Meeting of the Jasper Plan Commission to order at 7:30 pm. Vice President Jim Schroeder took roll call as follows:

Brad Schnarr, Pres.	-Present	Cindy Laake	-Present
Jim Schroeder, V.P.	-Present	Pat Lottes	-Present
Bernita Berger, Sec.	-Absent	Martin Loya	-Present
Bob Wright	-Present	Chad Hurm, Engineer	-Present
Randy Mehringer	-Present	Darla Blazey, Bldg. Comm./Zoning Administrator	-Present
Ben Krapf	-Present	Atty. Bill Shaneyfelt	-Present
Kevin Manley	-Present		

PLEDGE OF ALLEGIANCE

President Schnarr led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

Minutes of the April 4, 2012, Regular Meeting were reviewed. Cindy Laake made a motion to approve the minutes as mailed. It was seconded by Kevin Manley. Motion carried 10-0.

STATEMENT

President Schnarr read the following statement. "We are now ready to begin the public hearings scheduled for this evening. With respect to tonight's meeting and public hearings, we are hereby incorporating by reference into the record of tonight's meeting and public hearings, City of Jasper Ordinance Number 1993-17, entitled "Zoning Ordinance of the City of Jasper, Indiana and its jurisdictional area" and any and all amendments thereto, and the City of Jasper Comprehensive Plan. Audio and videotapes of these proceedings are also incorporated by reference into this evening's record."

OLD BUSINESS

Petition of Todd Kerstiens and Jerome Kerstiens of Kerstiens Development, Inc., as developers, and Robert A. and Mary Jane Durcholz as owners for secondary approval of the proposed plat of Wind Song Estates II, an addition to the City of Jasper, Indiana, and for approval of all proposed necessary street profiles and utility improvements associated with said subdivision.

Vice President Schroeder made a motion to table the public hearing until next month's meeting scheduled for June 6, 2012, at 7:30 p.m. Martin Loya seconded it. Motion carried 10-0.

Petition of Chad A. Blessinger and Marilyn Blessinger for secondary approval of the proposed plat of "Blessinger First Addition," a subdivision in Harbison Civil Township, Dubois County, Indiana, and for approval of all proposed necessary street and utility improvements associated with said subdivision.

Phil Buehler, of Brosmer Land Surveying, was present on behalf of Chad and Marilyn Blessinger to request secondary approval of a two-lot subdivision located south of County Road 500N and west of Kellerville Road.

A layout of the property was displayed. The petitioner requested a rezoning of the property at last month's meeting from A-1 to R-R. The Board gave a favorable recommendation to the Common Council, who, in turn, granted the rezoning. The rezoning allows the proper amount of road frontage for each lot. The City requires the county road to be widened. Plans are to build a three-foot stone shoulder and a six-foot grass shoulder on the south side of the road.

Following some discussion, it was discovered that the petitioner did not have a performance bond in place for the road widening. Attorney Shaneyfelt presented a few options; 1) to approve the plat contingent upon an appropriate bond, satisfactory to City Engineer Hurm and approved by the Board of Public Works and Safety; 2) Table the public hearing until next month's Regular meeting; 3) Schedule a Special meeting, which would require the Plan Commission to meet at an earlier date, before next month's Regular Meeting.

Vice President Schroeder made a motion to grant secondary plat approval of the proposed two-lot subdivision, Blessinger's First Addition, contingent upon acquiring a bond and approved by the Board of Public Works and Safety, or completion of the work beforehand. Pat Lottes seconded it. Motion carried 10-0.

PUBLIC BUSINESS

Jeff Tunks, Ann Neal Corp.

Jeff Tunks, representing Ann Neal Corp., owner of Norm's Market and Jasper City Bakery, appeared before the Commission to request a 90-day extension on a non-compliance issue that was directed by the Board of Zoning Appeals at its April 4, 2012 meeting. At that time, it was decided by the Board that Ann Neal Corp. be given 30 days to cause a non conforming sign to come into compliance with the City Code by either painting over or covering up a sign that was painted on the side of a warehouse located on property at 600 Truman Road. The sign was painted on the building before following the proper procedure by applying for a sign permit and requesting a variance due to the sign's size.

The Code Section 16.03.060(3)(b) restricts the wall sign in question to no more than two (2) square feet for each foot of building width, not to exceed 200 square feet in aggregate size. The sign in question exceeds ninety-six square feet, the maximum allowed based on the building width as well as two hundred (200) square feet, the maximum allowed in any case, regardless of building size. President Schnarr indicated there is a sign which is too large.

Mr. Tunks said he views the words on the side of his building as a work of art, not a sign. He explained that he was trying to make Norm's Market reminiscent of days of old, adding that the building the 'words' are painted on is more than 100 years old. Although Mr. Tunks believes the painted building is artwork and not a sign, Attorney Bill Shaneyfelt read the definition of a "sign" in Section 16.07.020(85) of the Jasper City Code, which clearly clarifies that the painting is a sign.

Mr. Tunks also argued that the Code was not violated because there are two or three signs, not a single sign. Shaneyfelt explained that there is one sign, but regardless, the number is not relevant. The square footage of the sign causes the noncompliance.

Much discussion followed. President Schnarr explained that the Plan Commission has the authority to levy any fines or penalties if something is found to be out of compliance. Attorney Bill Shaneyfelt added that upon the ruling of any non-compliance, the Plan

Commission may enforce a fine from \$100/day up to \$2,500/day. The Commission also has the prerogative to fine the petitioner from the day the non-compliance started.

Bob Cook, member of the Board of Zoning Appeals, explained that he initiated the motion to deny the variance request for Ann Neal Corp. (Jeff Tunks) at the April 4, 2012 Board of Zoning Appeals meeting because the sign was put up without any approval. He said he would not be against a 90-day extension in order for Mr. Tunks to meet with his attorney; however, he expressed his concern as to why Mr. Tunks waited 30 days to contact his attorney.

After more discussion, Bob Wright made a motion that the sign must be in compliance within two weeks by painting over or covering it. Vice President Schroeder seconded it. President Schnarr voted nay. Motion carried 9-1.

Vice President Schroeder made a motion to fine the property owner \$100/day, starting May 17, 2012, for each day the sign remains as is and then revisit the matter at the June 6, 2012 meeting at 7:30 pm in order to consider legal actions to enforce compliance. Randy Mehringer seconded it. Motion carried 10-0.

With no further discussion, Ben Krapf made a motion to adjourn the meeting. Cindy Laake seconded it. Motion carried 10-0, and the meeting was adjourned at 8:38 pm.

Brad Schnarr, President

Bernita Berger, Secretary

Kathy M. Pfister, Recording Secretary